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4 JAMES CARL KELLY,
5 Plaintiff,
6 v.
7 SALINAS VALLEY STATE PRISON, et
8 al.,
9 Defendants.

10 Case No. [21-cv-04498-JST](#)

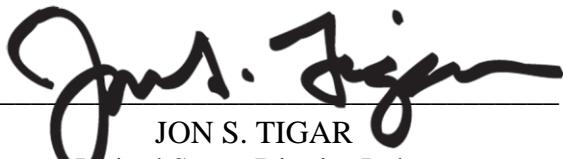
11 **DISMISSAL WITHOUT PREJUDICE**
12 **PURSUANT TO FED. R. CIV. P. 41**

13 Re: ECF No. 8

14 Plaintiff, an inmate at Salinas Valley State Prison (“SVSP”), has filed a *pro se* action
15 pursuant to 42 U.S.C. § 1983. On January 14, 2022, Plaintiff filed a letter with this Court,
16 informing the Court that he wished to drop this action. ECF No. 8. The Court construes
17 Plaintiff’s letter as a notice of voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(i). Fed. R.
18 Civ. P. 41(a)(1)(i) provides that a plaintiff has the absolute right to dismiss his or her action by
19 filing a notice of dismissal “at any time before service by the adverse party of an answer or of a
20 motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(i). Defendants have not yet been served
21 in this action. Therefore, pursuant to the January 14, 2022 Notice of Voluntary Dismissal, this
22 action is DISMISSED without prejudice. *See* Fed. R. Civ. P. 41(a)(1)(B) (unless plaintiff’s notice
of dismissal states otherwise, dismissal is without prejudice).

23 **IT IS SO ORDERED.**

24 Dated: January 14, 2022

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26 JON S. TIGAR
27 United States District Judge
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